

RECENTED CENTRAL STILLS

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ATTORNEY GENERAL OF WASHINGTON

April 13, 2005

#### HAND DELIVERED

Jeffrey T. Even Assistant Attorney General Office of the Attorney General 1125 Washington Street S.E. P. O. Box 40100 Olympia, WA 98504-0100

Re: Borders, et al. v. King County, et al.

Dear Jeff:

Enclosed please find a Subpoena Duces Tecum for Mr. John Pearson. I trust you will accept service of this subpoena, as you did for the notice of deposition we issued last week. Thank you for your assistance, and please call with any questions."

Yours truly.

Levin J. Hamilton

KJH:cma

Enclosure

RECEIVED CENTRAL SE-191

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#### THE HONORABLE JOHN E. BRIDGES

# SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

V.

King County et al.,

Respondents,

and

Washington State Democratic Central Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

SUBPOENA DUCES TECUM TO JOHN PEARSON

Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, Washington 98101-3099 Phone: (206) 359-8000 Fax: (206) 359-9000

#### **TO:** JOHN PEARSON

YOU ARE HEREBY COMMANDED to appear at the offices of Perkins Coie LLP, 111 Market Street NE, Suite 200, Olympia, Washington 98501, on Wednesday, April 20, 2005, commencing at the hour of 9:00 a.m., and then and there to testify as a witness at the request of Intervenor-Respondent Washington State Democratic Central Committee in the above-entitled cause, and to remain in attendance upon the undersigned or other Notary Public until discharged; and to bring with you the following:

- 1. All documents in your custody, possession or control, including your personal notes or records but excluding privileged documents, relating to the 2004 governor's election including recounts and the election contest, including but not limited to documents relating in any way to:
  - (a) Potential errors in the handling or tabulation of ballots;
- (b) The failure of any county to fully verify provisional ballots according to the law;
  - (c) The relevance of "crediting" to election security;
  - (d) The ability to challenge felons' right to vote before an election;
  - (e) How votes might be attributed to any candidate; and
- (f) What positions the Secretary of State or his office should or would take in any litigation relating to the 2004 governor's election.

ALTERNATIVELY, to avoid the necessity of a deposition, the documents may be produced in the offices of Perkins Coie LLP, 1201 Third Avenue, Suite 4800, Seattle, Washington 98101-3099, on the above-referenced date with a notarized declaration from you in the form of the attached Exhibit A, attesting under penalty of perjury that the enclosed documents are true and correct copies of all of the above-requested records which

were kept and maintained by you. If testimony by declaration will be provided in lieu of deposition, please notify the undersigned no later than Tuesday, April 19, 2005.

DATED: April 13, 2005.

#### PERKINS COIE LLP

By Kevin J. Hamilton by

Kevin J. Hamilton, WSBA # 156 No. William C. Rava, WSBA # 29948 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099

Attorneys for Intervenor-Respondent Washington State Democratic Central Committee

### SPEIDEL LAW FIRM

Russell J. Speidel, WSBA # 12838 7 North Wenatchee Avenue, Suite 600 Wenatchee, WA 98807

#### JENNY A. DURKAN

Jenny A. Durkan, WSBA # 15751 c/o Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099 

## **EXHIBIT A**

# **DECLARATION OF JOHN PEARSON**

I,, residing at:
say:
That as of the date of this declaration, the attached documents are a true and
complete copy of all records requested in the attached Subpoena Duces Tecum which were
kept and maintained by me.
That as of the date of this declaration, I have not supplied the complete
records requested in the attached Subpoena Duces Tecum, and the following records have
peen omitted:
That as of the date of this declaration, no records requested in the Subpoena
Duces Tecum are in my possession.
I hereby certify and declare under the penalty of perjury under the laws of the State
of Washington, that the foregoing is true and correct.
[Print Name]